

Remarks

Claims 25 and 42 have been amended to remove the word “hypothetical”, and now describes the “product configuration” as being “not available via the software for purchase”. These amendments are for purposes of clarifying the claims, rather than to overcome the rejection of such claims. Support for the Amendment may be found in the specification in amended paragraph on page 14, lines 1-14.

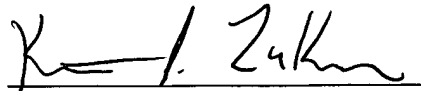
Claims 30-33 and 41 are cancelled without prejudice to their inclusion in a continuation or divisional application.

Claims 25, 26, 28, 29, 40, 42, 43, 45, and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0169665 (Hughes et al.) in view of U.S. Patent No. 6,167,383 (Henson). Hughes et al. published from U.S. Patent Application No. 09/874,853. Enclosed is a new Declaration under 37 C.F.R. §1.131 signed by the inventors showing that the claimed subject matter of the invention of the application was conceived in the U.S. before the May 10, 2001 effective date of U.S. Patent Application No. 09/874,853 as set by that Application's claim to benefit of U.S. Provisional Application No. 60/290,131, filed May 10, 2001. The evidence of conception and reduction to practice accompanying the Declaration are ten (10) Drawing Sheets, and a document entitled “Increasing the Value of Choice-based Conjoint with “Build your own” Configuration Questions”. Such evidence clearly shows the claimed invention prior to the May 10, 2001 effective date of the Hughes et al. reference relied upon by the Examiner. As Hughes et al. is no longer a proper prior art reference, Henson cannot be combined with Hughes et al. to reject Claims 25, 26, 28, 29, 40, 42, 43, 45, and 46 under 35 U.S.C. §103(a). Accordingly, withdrawal of the rejection of these claims is requested.

Claims 27 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hughes et al. in view of Henson and further in view of U.S. Patent No. 5,808,908 (Ghahramani). As Hughes et al. is no longer a proper prior art reference, neither Henson nor Ghahramani can be combined with Hughes et al. to reject Claims 27 and 44. Withdrawal of the rejection of these claims is thus also requested.

A petition for a two-month extension of time is enclosed with a check for the required petition fee. In light of the above, a Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kenneth J. LuKacher', written over a horizontal line.

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Enclosure: Petition for Extension of Time with check for \$450.00; and
Certificate of Express Mail Express Mail No. EV 586785695 US.